

17621 U.S. PTO  
092903

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> (New Nonprovisional Applications Under 37 CFR § 1.53(b))	Attorney Docket No. <u>GEMS8081.166</u>
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**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, James Pipe, entitled METHOD AND APPARATUS OF QUANTITATIVELY ASSESSING DIFFUSION CHARACTERISTICS IN A TISSUE, for a(n):

- (X) Original Patent Application.
- ( ) Continuing Application (prior application not abandoned):
- ( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior application No: \_\_\_\_\_ Filed on: \_\_\_\_\_
  - ( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

**Enclosed are:**

- (X) Specification; 23 Total Pages. (X) Drawing(s); 3 Total Sheets.
- (X) Oath or Declaration:
- (X) A Newly Executed Combined Declaration and Power of Attorney:
    - (X) Signed. ( ) Unsigned. ( ) Partially Signed.
  - ( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).
    - ( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.
    - ( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).
  - ( ) Power of Attorney. (X) Return Receipt Postcard.
  - ( ) Associate Power of Attorney. ( ) A Check in the amount of \$ \_\_\_\_\_ for the Filing Fee.
  - ( ) Preliminary Amendment. (X) Information Disclosure Statement and Form PTO-1449.
  - (X) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.
  - ( ) A Certified Copy of Priority Documents (if foreign priority is claimed).
  - ( ) Applicant claims small entity status.
  - (X) Other: Non Publication Request

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CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	20	0	\$18.00	\$ 0.00
Independent Claims	3	0	\$84.00	\$ 0.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$0.00
Basic Filing Fee				\$750.00
Total Filing Fee				\$ 750.00

Charge \$ 750.00 to Deposit Account 07-0845 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

Respectfully submitted,  
By: [Signature]  
Timothy J. Ziolkowski, Attorney of Record, Reg.  
No. 38368

Date: 29  
9/26/03

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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

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<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		Pipe
	Title	METHOD AND APPARATUS OF QUANTITATIVELY ASSESSING DIFFUSION CHARACTERISTICS IN A TISSUE	
	Atty Docket Number		GEMS8081.166

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

9/29/03  
Date

  
Signature

Timothy J. Ziolkowski  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**